

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Mark A. Applegarth,

Plaintiff

Case No. 2:06cv686

v.

Judge Watson

CPL. Roger Monroe, et al.,

Defendants

Order

Plaintiff Mark A. Applegarth, a state prisoner, brings this action under 42 U.S.C. §1983 alleging that on December 10, 2004 defendant Monroe unlawfully arrested him for misuse of the 9-1-1 emergency telephone system. This matter is before the Court on Magistrate Judge Abel's June 5, 2007 Report and Recommendation that plaintiff's February 15, 2007 motion for partial summary judgment (doc. 18) be denied because defendant Monroe produced evidence that he had probable cause to arrest Applegarth.

No objections have been filed to the Report and Recommendation. Upon *de novo* review as required by 28 U.S.C. § 636(b)(1)(B), the Court **ADOPTS** the Report and Recommendation. Plaintiff's February 15, 2007 motion for partial summary judgment (doc. 18) is **DENIED**.



Michael H. Watson, Judge
United States District Court